

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR190
)	
v.)	
)	
ROMMEL SMITH,)	MEMORANDUM OPINION
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and subsection 1B1.1 of the United States Sentencing Guidelines (Filing No. [163](#)), which provide that § 3582(c)(2) permits the Court to further reduce defendant's sentence where "a defendant has been sentenced to a term of imprisonment based on a sentence range that has been subsequently lowered by the Sentencing Commission, 28 U.S.C. § 994(O).

The government has responded to defendant's motion (Filing No. [169](#)). The defendant's court-appointed counsel has also filed a memorandum regarding defendant's motion for sentence reduction (Filing No. [168](#)).

The Court has reviewed the history of this case and the briefs of the parties and finds that defendant's guideline range based on the offense level of 34 and a criminal history category of II is 168 to 210 months. Considering the factors set forth in

18 U.S.C. § 3553(a) and the history of defendant, The Court finds a sentence of 168 months is appropriate. A separate order will be entered in accordance with this memorandum opinion.

DATED this 4th day of March, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court